

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

AKO K. BURRELL,

Plaintiff,

**9:22-cv-344
(GLS/ATB)**

v.

D. McINTOSH et al.,

Defendants.

SUMMARY ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Andrew T. Baxter, which recommends that defendants' summary judgment motion be granted. (Dkt. No. 41.) Plaintiff Ako K. Burrell has timely objected to the R&R. (Dkt. No. 43.)

Burrell's objection is two-fold and can be described as follows: (1) Magistrate Judge Baxter's "decision was rendered erroneously, improperly, arbitrarily [and] capriciously;" and (2) Burrell "was not being afforded a lawful grievance system" because defendants were allowed "to access the grievance, read them, threaten plaintiff, deny him recreation, meals" and other services in the correctional facility. (Dkt. No. 43 at 2-3.)

Burrell's objection seeks to raise the same arguments already addressed in the R&R. (Dkt. No. 41 at 6-13; Dkt. No. 43.) Accordingly, Burrell's objection is general and warrants review for clear error only.¹ See *Almonte v. N.Y. State Div. of Parole*, No. CIV. 904CV484GLS, 2006 WL 149049, at *4-5 (N.D.N.Y. Jan. 18, 2006).

Having carefully reviewed the R&R and finding no clear error, it is adopted in its entirety.

Accordingly, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 41) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion for summary judgment (Dkt. No. 20) is **GRANTED**; and it is further

ORDERED that Burrell's complaint (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED that the Clerk close this case; and it is further

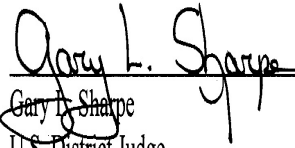
ORDERED that the Clerk provide a copy of this Summary Order to

¹ Even if some portion of Burrell's objection is specific and would, therefore, warrant de novo review, the court would adopt the R&R under that standard for substantially the same reasons as articulated therein.

the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

September 27, 2023
Albany, New York



Gary L. Sharpe
U.S. District Judge